



# Journal of the Senate

State of Indiana

116th General Assembly

First Special Session

**First Meeting Day**

**Thursday Afternoon**

**June 11, 2009**

The members of the Senate of the State of Indiana met in obedience to a call of the Governor, in a Special Session of the One Hundred and Sixteenth General Assembly.

The Senate convened at 1:05 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Marlin A. Stutzman.

The Pledge of Allegiance to the Flag was led by Senator Stutzman.

The Chair ordered the roll of the Senate to be called. Those present were:

|                                 |                                 |
|---------------------------------|---------------------------------|
| Alting                          | Long                            |
| Arnold                          | Lubbers                         |
| Becker                          | Merritt                         |
| Boots                           | Miller                          |
| Bray                            | Mishler                         |
| Breaux <input type="checkbox"/> | Mrvan                           |
| Broden                          | Nugent <input type="checkbox"/> |
| Buck                            | Paul                            |
| Charbonneau                     | Randolph                        |
| Deig                            | Rogers                          |
| Delph                           | Simpson                         |
| Dillon                          | Sipes                           |
| Errington                       | Skinner                         |
| Gard                            | Steele                          |
| Head                            | Stutzman                        |
| Hershman                        | Tallian                         |
| Holdman                         | Taylor                          |
| Hume <input type="checkbox"/>   | Walker                          |
| Kenley                          | Waltz                           |
| Kruse                           | Waterman                        |
| Lanane                          | Wyss                            |
| Landske                         | Yoder <input type="checkbox"/>  |
| Lawson                          | Young, M.                       |
| Leising                         | Young, R.                       |
| Lewis                           | Zakas                           |

Roll Call 1: present 46; excused 4. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present.

STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS  
PROCLAMATION

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, During the first regular session of the 116th Indiana General Assembly, the General Assembly adjourned *sine die* on April 29, 2009, without fulfilling its constitutional duty to

enact a budget for the 2010-2011 biennium; and

WHEREAS, The government of the State of Indiana will face grave difficulties in meeting its most fundamental responsibilities to the people of the State of Indiana, including the funding of public schools, prisons, hospitals, and law enforcement, after June 30, 2009, unless a budget is enacted prior to July 1, 2009; and

WHEREAS, The Constitution of Indiana provides in Article IV, Section 9, that the Governor may call a special session of the General Assembly by proclamation at any time, "if, in the opinion of the Governor, the public welfare shall require it"; and

WHEREAS, In my opinion, the public welfare requires a special session of the 116th General Assembly:

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby proclaim and call a special session of the 116th Indiana General Assembly to convene at One o'clock p.m., on June 11, 2009.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 2nd day of June, 2009.

Mitchell E. Daniels, Jr.  
Governor of Indiana

ATTEST: Todd Rokita  
Secretary of State

SEAL

The Proclamation was read in full.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 1(ss)

Senate Concurrent Resolution 1(ss), introduced by Senator Long:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 116th General Assembly to adjourn and recess separately throughout the First Special Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House in Special Session and to conduct the public business of the people of the State of Indiana;

*Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and recess for periods in excess of three (3) days and to operate on a schedule different from the other House;*

*Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;*

*Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the First Special Session of the 116<sup>th</sup> General Assembly;*

*Whereas, The House of Representatives and the Senate will recess after June 11, 2009 and meet again upon the fall of the gavel of the respective bodies to conduct legislative business: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That each House of the 116<sup>th</sup> Indiana General Assembly hereby consents to any adjournment or recess of the other House during the First Special Session of the 116<sup>th</sup> Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives, or, in the case of the Senate, by the President Pro Tempore of the Senate.

SECTION 2. The Secretary of the Senate is directed to inform the House of the passage of this resolution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer and Bosma.

#### **Senate Resolution 1(ss)**

Senate Resolution 1(ss), introduced by Senator Long:

A SENATE RESOLUTION to authorize the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

*Whereas, The Postmaster of the Indiana Senate is hereby authorized to receive from the Postmaster of the City of Indianapolis all mail which may belong to the Indiana Senate and to the several members and employees thereof and which may be directed to the general delivery or care of the Senate: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Secretary of the Senate be directed to send

a certified copy of this Resolution to the Postmaster of the City of Indianapolis.

The resolution was read in full and adopted by voice vote.

#### **SENATE MOTION**

Madam President: I move that Senators Charbonneau, Head, Taylor, and Sipes be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and has organized by the election of the following named officers:

President Pro Tempore: David C. Long

Principle Secretary: Jennifer L. Mertz

and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Charbonneau shall serve as Chair of the Committee.

LONG

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senators Lubbers, Dillon, R. Young, and Arnold be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly. Senator Lubbers shall serve as Chair of the Committee.

LONG

Motion prevailed.

#### **COMMITTEE REPORT**

Madam President: The committee appointed to notify the House of Representatives that the Senate has met, has formed a quorum and is organized and ready for the transaction of legislative business respectfully reports that it has so informed the House of Representatives.

CHARBONNEAU, Chair  
HEAD  
TAYLOR  
SIPES  
Committee of the Senate

Report adopted.

#### **COMMITTEE REPORT**

Madam President: The Committee appointed to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly, to inform him that they are ready to transact legislative business, and to learn from him when it will suit his convenience to submit whatever communication he may

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have to offer to the General Assembly has performed the duties assigned to it. The Committee begs leave to report that it has learned that the Governor will communicate with the General Assembly on a date and at a time to be fixed at a later date.

LUBBERS, Chair

DILLON

R. YOUNG

ARNOLD

Committee of the Senate

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until further notice.

LONG

Motion prevailed.

The Senate adjourned at 1:24 p.m.

JENNIFER L. MERTZ

Secretary of the Senate

REBECCA S. SKILLMAN

President of the Senate